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Date of Deposit: May 17, 2001

Attorney Docket No. 21486-032 CIP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR: Jack R. Wands *et al.*

FOR: DIAGNOSIS AND TREATMENT OF MALIGNANT NEOPLASMS

May 17, 2001

Boston, Massachusetts

Box PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

# REQUEST FOR FILING A CONTINUING UTILITY APPLICATION UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).

(Check the appropriate boxes and supply the requisite information)

This application is a:

☐ Continuation; ☐ Divisional; ☒ Continuation-in-part of prior application U.S.S.N. 09/436,184.

2. Priority to the above application(s) is claimed under:

☒ 35 U.S.C. §120

Prior application information:

Examiner: K. Canella; Group Art Unit: 1642.

☐ 35 U.S.C. §119

Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ is claimed under 35 U.S.C. §119.

☐ The certified copy has been filed in prior application U.S.S.N. \_\_\_\_/\_\_\_\_,\_\_\_\_ on [Date].

☐ The certified copy will follow.

## APPLICATION ELEMENTS:

3. ☒ Specification and Drawings (Total pages: 80):

Specification (65 pages); Claims (5 pages); Abstract (1 page); and  
 Drawings: 9 sheets; FIGS. 1-9.

☐ Formal

☒ Informal

4. ☐ Nucleotide and/or Amino Acid Sequence Submission:

☐ *Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the instant application is to be identical to that filed in application U.S.S.N. \_\_\_\_/\_\_\_\_,\_\_\_\_, filed [filing date]. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.

☐ *Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application.

5. ☐ Microfiche Computer Program (*Appendix*)

05/17/01  
 J0839 U.S. PTO

J1036 U.S. PTO  
 09/859604  
 05/17/01

09/859604 U.S. PTO

**FIRST-NAMED INVENTOR:****Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))**

6. ☒ Oath or Declaration (Total pages: 4):
- (a) ☒ Newly unexecuted (original)
- (b) ☐ Copy from a prior application (37 C.F.R. §1.63(d))
7. ☐ Incorporation by Reference (*can use if Box 6(b) is checked*)

The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**ACCOMPANYING APPLICATION PARTS:**

8. ☐ English Translation Document (*if applicable*)
9. ☐ Information Disclosure Statement (IDS)
- ☐ Copy of IDS and PTO-1449 (\_\_\_ pages)
- ☐ Copies of references cited
10. ☐ Statement Claiming Small Entity Status
- ☐ Copy of Statement filed in prior application (Status still proper and desired)
11. Fee Calculation:
- ☐ A Preliminary Amendment is enclosed herewith. Please enter the claim amendments prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$710.00
Total Claims (37 C.F.R. 1.16(c))	46	- 20 =	26	\$ 18.00	468.00
Independent Claims (37 C.F.R. 1.16(b))	17	- 3 =	14	\$80.00	1120.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$270.00	0
				SUBTOTAL:	\$2298.00
				Reduction by 50% for filing by small entity:	- \$1149.00
				<b>TOTAL FEE:</b>	<b>\$1149.00</b>

12. ☒ A check in the amount of **\$1149.00** (small entity fee) is enclosed.
13. ☐ Deletion of Inventor(s)
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
- ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

**FIRST-NAMED INVENTOR:**

**Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))**

14. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 21486-032 CIP:
- ☒ Fees required under 37 C.F.R. §1.16;
  - ☒ Fees required under 37 C.F.R. §1.17;
  - ☒ Fees required under 37 C.F.R. §1.18.
15. ☒ Return Receipt Postcard Enclosed.
16. ☐ Other Documents Enclosed:
- ☐ Change of Attorney Address In Application.
  - ☐ Limited Recognition under 37 C.F.R. § 10.9(b) for Michel Morency.

Respectfully submitted,

*I A Beattie*

Dated: May 17, 2001

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Wands *et al.*  
SERIAL NUMBER: To Be Assigned EXAMINER: K. Canella  
FILING DATE: May 17, 2001 ART UNIT: 1642  
FOR: DIAGNOSIS AND TREATMENT OF MALIGNANT NEOPLASMS

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Boston, Massachusetts

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**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- ☒ Request for Filing a Continuing Utility Application (3 pgs.);
- ☒ Specification, Claims and Abstract (71 pgs.);
- ☒ Unexecuted Combined Declaration and Power of Attorney (4 pgs.);
- ☒ Nine (9) sheets of informal drawings;
- ☒ Check #8947 in the amount of \$1149.00; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at 617-542-6000, Boston, Massachusetts.

Although Applicants believe no additional fees are due in connection with this filing, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21486-032 CIP. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,



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